



Berryville Police Department

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W. Neal White – Chief of Police

POLICE AND SECURITY COMMITTEE MEETING AGENDA

November 21, 2016

09:00 A.M.

Clarke County Joint Government Center
Meeting Room A/B

- Call to Order – Committee Chair Dave Tollett
- Report of the Chief
- Ordinance Revisions – Chief White / Mr. Dalton
 - Chapter 8 (Garbage and Refuse)
 - *Attachment 1*
- Other Business
- Adjourn

ARTICLE I. - IN GENERAL

Sec. 8-1. - Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Cross reference— Penalty for Class 4 misdemeanor, § 1-11.

Sec. 8-2. - Unlawful accumulations.

- (a) It shall be unlawful for any owner or occupant of any premises within the town to allow garbage, ashes, refuse, trash, litter or other substances which might endanger the health of other residents of the town to accumulate on such premises.
- (b) The owner of any property in the town shall remove accumulations referred to in subsection (a) above from such property at intervals to be established by the town manager or his designee. Reasonable notice of the date fixed by the town manager for such removal shall be given by mail or delivery of a written notice to each owner of such property.
- (c) Upon the failure of the owner of property to remove trash, garbage, refuse, litter and other substances which might endanger the health of other residents of the town, as provided in the notice given pursuant to subsection (b) above, the town manager may have such trash, garbage, refuse, litter and other substances removed and bill the owner for the work. Upon the owner's failure to pay such bill by tax billing time, such bill shall be placed upon the tax bill of the owner so delinquent and collected as taxes are collected.

(Code 1971, §§ 8-1, 8-3)

Cross reference— Open storage of inoperative vehicles in certain zoning districts, § 13-30; abandoned or discarded refrigerators or other airtight containers, § 13-31; cutting and removal of weeds and other foreign growth on vacant property, § 13-32; maintenance of property abutting Town Run, § 13-33.

State Law reference— Authority for above section, Code of Virginia, § 15.2-901.

Sec. 8-3. - Disposal in town of trash, garbage, etc., accumulated outside town.

- (a) It shall be unlawful and a Class 1 misdemeanor for any person to place, dump or otherwise dispose of trash, garbage, refuse, litter or any other unsightly matter that has been accumulated or collected outside the corporate limits of the town at any place within the town. This section shall not apply to a person using the public facilities of the town for the disposal of such matter, with the express permission of the town council or its designated agent.

(Ord. of 2-13-73; Ord. of 2-13-79, § 8-15)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference – Authority for above section, Code of Virginia, § 15.2-928

Sec. 8-4. - Upsetting, tampering and misusing litter receptacles maintained by the town.

No person shall cause the removal, upsetting, mutilation or defacing of, or tamper with any litter receptacle maintained by the town, cause the contents thereof to be spilled or to be strewn in or upon any public place or private premises, or use such receptacle for disposal of business or household refuse

(Ord. of 2-13-01)

State Law reference— Authority for above section, Code of Virginia, Section 15.2-928.

Sec. 8-5. - Dumpster, defined; prohibited times for emptying.

- (a) For the purpose of this section a "dumpster" shall mean any container designed to contain refuse or garbage and which is emptied by mechanical means.
- (b) It shall be unlawful for any business or corporation to empty a dumpster in town between the hours of 10:00 p.m. and 7:00 a.m. except within industrially zoned areas of the town.

State Law reference – Authority for above section, Code of Virginia, § 15.2-930

(Ord. of 1-12-99)

Sec. 8-6. – Requirements for collection vehicles

- (a) All vehicles used in the collection of garbage and refuse shall be kept and maintained in a clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of the type of garbage and refuse to be transported therein. All vehicles used in the collection of garbage or combined refuse shall be constructed and maintained with watertight bodies and with covers of metallic or other rigid, impervious material, or, in the alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed.
- (b) Special vehicles used in new or experimental methods of refuse collection may be permitted by the town manager, when such permit is in writing.

Sec. 8-7. – Picking through contents of town-issued garbage toter or dumpster.

It shall be unlawful for any person to pick through, handle or interfere with the contents of any town-issued garbage toter or dumpster under the provisions of this article. Employees of the town or other governmental agencies involved in duly authorized investigations, as well as the residents to who the specific toter is issued shall be exempt from this prohibition.

Secs. 8-8—8-14. - Reserved.

ARTICLE II. - COLLECTION BY TOWN

FOOTNOTE(S):

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Cross reference— Department of public works responsible for refuse collection, § 2-53.

State Law reference— Local recycling and waste disposal; powers; penalties, Code of Virginia, § 15.2-928. Authority for town to regulate garbage and refuse disposal, Code of Virginia, § 15.2-927. Regulation of garbage and refuse pickup and disposal services; contracting for such services, Code of Virginia, § 15.2-930

Sec. 8-15. - Report of violations of article.

If any person fails to comply with the provisions of this article, the employees of the town engaged in the collection and removal of garbage and refuse shall report such failure to the town manager.

(Ord. of 2-13-79, § 8-12)

Sec. 8-16. - Containers generally—For garbage.

- (a) All garbage, consisting of food waste and organic matter, to be collected by the town shall be placed in tied disposable plastic bags and placed in collection containers, also commonly called toters, approved by the town. All such non-disposable containers shall have an integrated lid to prevent the intrusion of water and disturbance by animals and entrance by insects.
- (b) Garbage collected by the town shall be placed in the toters provided by the town or its contactor. Specifications for the toters are defined within the garbage and refuse collection contract.
- (c) Garbage shall be placed inside the toter in such a manner that allows for the integrated lid to completely close.
- (d) No person shall place any waste in any toter without first draining any liquid from such waste.
- (e) Toters are the property of the town. Toters shall not be removed from the assigned toter address. Damaged toters reported to the town will be repaired or replaced. The cost to replace or repair toters that are intentionally damaged or removed will be charged to the owners or tenants at the assigned address. The owners or tenants will be assessed a replacement fee to be determined by the town manager, or the town manager's designee not to exceed 120 percent of the actual replacement cost.

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

(Ord. of 2-13-79, §§ 8-5, 8-7; Ord. of 11-13-90; Ord. of 10-13-98)

Sec. 8-17. – Containers generally – For recyclables.

- (a) All recyclable materials to be collected by the town shall be placed in a non-disposable container provided by the town. All liquids shall be drained from the item prior to placement in the container.

- (b) Specifications for the non-disposable container provided by the town are defined in the garbage and refuse collection contract.
- (c) All items placed in the non-disposable container shall be done in a manner to prevent escape as a result of wind and weather conditions.

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-18. - Preparation of cardboard and other bulky materials.

Cardboard containers and other bulk materials to be collected by the town need not be placed in containers, but will be collected by the town if flattened and securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length and fifty (50) pounds in weight.

(Ord. of 2-13-79, § 8-9; Ord. of 10-13-98)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-19. - Collection times and routes.

The town manager shall establish and specify the days and hours each week when garbage and refuse and shall be collected the routes to be served at the times so specified.

(Ord. of 2-13-79, § 8-14)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-20. - Placement of containers on collection day; collectors not to enter building.

- (a) All containers containing garbage or refuse for collection by the town shall be set out not later than 7:00 a.m. on collection days. No containers may be set out for collection more than twenty-four (24) hours before the established collection time and empty containers shall be removed on the same day of collection.
- (b) All containers shall be placed in such location as is specified by the town manager, so that they can be reached easily and conveniently by the collectors. No town employee or collection agent shall enter any building for the removal of garbage or refuse.

(Ord. of 2-13-79, §§ 8-16, 8-17; Ord. of 11-13-90; Ord. of 10-13-98)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-21. - Preparation of tree branches, brush, leaves and other yard waste.

- (a) Tree branches and brush to be collected by the town shall be securely tied in compact bundles that can be handled by one collector. No such bundle shall exceed four (4) feet in length, twelve (12) inches in diameter and fifty (50) pounds in weight.
- (b) Leaves to be collected by the town shall be piled adjacent to street curbs, but shall not cover any portion of a sidewalk. Leaves will be collected by the town in accordance with a schedule approved by the town manager and published in a town newsletter and posted on the town website.
- (c) No grass clippings will be collected by the town.

(Ord. of 10-13-98)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-22. - Certain refuse not to be collected.

- (a) Rejected building materials, tin, contractors' waste, industrial waste, automobiles or parts thereof, tires, hazardous materials, such as cleaning fluids, explosives, gasoline, oil, paints, plastics, rubber cuttings or other highly flammable materials, or substances such as poisons, gases, caustics, radioactive materials or powdery earth used in filter cleaning fluids or other like refuse materials or substances shall not be collected by the town. In the event such refuse is found at collection points, the persons placing the same for collection shall be required to remove the same immediately. Radioactive materials, drugs, poison and like substances shall only be removed under the supervision of persons qualified in the handling of such materials.
- (b) No animal or fowl excrement shall be collected by the town and no such excrement shall be placed in any container or receptacle required by this article or otherwise put out or placed for collection by the town.
- (c) Ashes containing live coals shall not be collected by the town.

(Ord. of 2-13-79, §§ 8-5, 8-6, 8-10)

State Law reference – Authority for above section, Code of Virginia, § 15.2-928.

Sec. 8-23. – Collection provided by others

- (a) Owners or tenants of properties that do not receive collection services provided by the town shall be responsible for securing the services of a private waste hauler. Garbage and refuse must be removed at intervals necessary to prevent a condition that might endanger the health of residents of the town or constitute a nuisance.
- (b) Collectors must adhere to all federal, state, and local regulations for such service.